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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY WILLIAM FELTON,

Defendant.

CR 18-63-BLG-SPW

OFFER OF PROOF

The defendant, Anthony William Felton, has filed a motion to change his plea to guilty to counts I and II of the Indictment, charging him with bank burglary, in violation of 18 U.S.C. § 2113(a). Both counts carry a maximum punishment of 20 years of imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment. Restitution is mandatory.

The United States presented any and all formal plea offers to the defendant in writing. The plea agreement entered into by the parties and filed with the court represents, in the government's view, the final and the most favorable offer extended to the defendant. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

Elements. In order to prove the case against the defendant at trial, the United States would have to prove the following elements beyond a reasonable doubt:

Attempted Bank Robbery – Count I

First, the defendant entered or attempted to enter Beartooth Bank, used in whole or in part as a bank, savings and loans, or credit union;

Second, the defendant entered or attempted to enter the Beartooth Bank with the intent to commit a felony or larceny after entering such bank or building; and

Third, time the defendant entered or attempted to enter the bank or building, the deposits of the bank were insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or National Credit Union Association.

Attempted Bank Robbery – Count II

First, the defendant entered or attempted to enter Stockman Bank, used in whole or in part as a bank, savings and loans, or credit union;

Second, the defendant entered or attempted to enter the Stockman Bank with the intent to commit a felony or larceny after entering such bank or building; and

Third, time the defendant entered or attempted to enter the bank or building, the deposits of the bank were insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or National Credit Union Association.

Proof. If called upon to prove this case at trial, and to provide a factual basis for the defendant's plea, the United States would present, by way of witnesses and documentary evidence, the following:

1. On October 24, 2017, the defendant broke into the exterior portion of the Beartooth Bank, located at 4130 King Avenue West. The defendant attempted to break into the ATM using a grinder and other tools. He was unsuccessful in his attempt and fled the scene before officers responded to the alarm.
2. In responding to the call, law enforcement discovered a grinder, pocket knife, and extension cord located near the ATM. Security footage captured the attempt but it was inconclusive as to identify of the suspect and he/she seemed to avoid the cameras. At the time, Beartooth Bank was an FDIC-insured institution.
3. On December 6, 2017, at approximately 3:00 am, the defendant broke into Stockman Bank, located at 2450 Main Street in Worden, Montana, by breaking the interior door. He used an angle grinder to attempt to access

cash currency inside and ATM located within the bank. Felton was unsuccessful in his attempt but caused roughly \$12,000 in damages.

4. On December 14, 2017, law enforcement apprehended the defendant after he was suspected up multiple robberies in the area. During a search of his backpack, law enforcement discovered, among other items, a green bandana, a pry bar, and bolt cutters. Found in the vehicle that the defendant was traveling in was a black concrete saw that appeared to be the same saw utilized during the robberies above.

5. On December 15, 2017, the defendant was interviewed. Among other statements, he admitted to attempting to rob the Beartooth Bank and Stockman banks, as described above.

DATED this 2nd day of October, 2018.

KURT G. ALME
United States Attorney

/s/ Zeno B. Baucus
Assistant United States Attorney
Attorney for Plaintiff